

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

MAR 15 2005

PATRICK FISHER
Clerk

OSCAR SABIDO VALDIVIA,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,*

Respondent.

No. 05-9501
(D.C. No. A 79-520-972)
(Petition for Review)

ORDER AND JUDGMENT**

Before **BRISCOE**, **BALDOCK**, and **McCONNELL**, Circuit Judges.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

* On February 4, 2005, Alberto R. Gonzales became the United States Attorney General. In accordance with Rule 43(c)(2) of the Federal Rules of Appellate Procedures, Mr. Gonzales is substituted for John Ashcroft as the Respondent in this action.

** This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

On January 20, 2005, we directed petitioner Oscar Sabido Valdivia to show cause within fourteen days why his petition for review should not be dismissed for lack of jurisdiction. On February 7, petitioner moved for an extension of time to file a response to the show cause order. We granted petitioner's motion and petitioner's response deadline was extended to February 28. Having received no response, we hold that we lack jurisdiction over petitioner's petition for review for the reasons set out in our January 20 order. Accordingly, the petition for review is DISMISSED for lack of jurisdiction.

Entered for the Court
PER CURIAM